

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1 and 6-10 are pending in this application. Claims 2-5 have been canceled without prejudice or disclaimer. Claims 1 and 6 have been amended to better clarify the present invention without the introduction of any new matter.

The outstanding Office Action presented a rejection of Claims 1 and 6-10 under 35 U.S.C. §102(e) as being anticipated by Inokuchi et al. (U.S. Patent No. 6,172,952, Inokuchi).

Before considering the outstanding anticipation rejection, it is once again believed that a brief review of the present invention would be helpful. In this respect, and as noted in the last response, the present invention is directed to a recording/reproducing apparatus and method for recording and reproducing data on and from a disk-shaped recording medium that has an address data area with embossed pits and a recording/reproducing area with a wobbling spiral groove. A wobble-signal is extracted from the signal the head obtains from the wobbling spiral groove and provided to a PLL circuit to produce a sync signal therefrom. A pulse is produced during a wobble signal disturbance period occurring when switching between at least one of a recording and reproducing operation and also provided to the PLL circuit to provide an unchanging sync signal during this wobble signal disturbance period occurring when switching between at least one of a recording and reproducing operation to avoid the wobble disturbances from adversely being included in the sync signal.

Turning to the rejection of Claims 1 and 6-10 under 35 U.S.C. § 102(e) as being anticipated by Inokuchi, it is noted that independent Claims 1, 6, and 9 clearly patentably define over Inokuchi because they require that a pulse must be actually produced during a

wobble signal disturbance period occurring when switching the recording/reproducing apparatus between at least one of recording and reproducing operations and that this pulse occurring at this time must then be provided to the PLL circuit to then provide a synch signal not subject to this specifically recited disturbance condition.

It is noted that the outstanding Action once again ignores the full recital of these independent claims that indicates that the wobble signal disturbance period referred to is not any wobble signal disturbance period because these claims previously specified that “the wobble signal disturbance period” (emphasis added) of concern was “the” one “occurring when switching between at least one of recording and reproducing operations” (emphasis added). Instead of reading the last recital of each of independent Claims 1, 6, and 9 as to “the wobble signal disturbance period” (emphasis added) in light of the claimed definition thereof appearing in each of Claims 1, 6, and 9 (defining the claimed “wobble signal disturbance period” as “occurring when switching between at least one of recording and reproducing operations”), the outstanding Action appears to interpret this language as reading on a different wobble signal absence period taught by Inokuchi to occur “during a seek operation; during a scanning operation of the address region; and the absence of the wobble signal” as indicated at col. 17, lines 21-24.

However, the actually claimed wobble signal period deals with a wobble signal that is **PRESENT but DISTURBED** due to switching between recording and reproducing operations. Note, for example, Fig. 9 and page 12, lines 12-14 of the specification and the description of wobble signal **DISTORTION, NOT ABSENCE**, discussed here.

spec.
page 2
lines
10-14
track
jump.

In order that the PTO cannot possibly continue to misinterpret the meaning of the language of Claims 1 and 6 as to “the wobble signal disturbance period” being something different than the wobble signal disturbance period occurring when switching between at least one of recording and reproducing operations as previously defined in these claims, the qualifying language that this referenced wobble signal disturbance period is “occurring when switching between at least one of recording and reproducing operations” has been added. This amendment to the independent claims to merely emphasize the meaning of “the wobble signal disturbance period” (emphasis added) clearly involves no new search and/or examination issues and, accordingly, cannot be denied entry.

Moreover, if the PTO is to continue to insist that Claims 1 and 6-10 are anticipated by Inokuchi, it is called upon to indicate where the teaching of the claimed “wobble signal disturbance period occurring when switching between at least one of recording and reproducing operations” (emphasis added) appears in Inokuchi as it must do in accordance with controlling precedent. See In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (“When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.”)

As Claim 7 depends on Claim 1, Claim 8 depends on Claim 6, and Claim 10 depends on Claim 9, these dependent claims are also believed to patentably define over Inokuchi for the reasons noted above as to these independent claims. In addition, as each of Claims 7, 8, and 10 require that an input gate of the PLL circuit must receive the pulse and wobble signal and no such disclosure or suggestion of an input gate of the PLL circuit that receives the pulse and wobble signal appears in Inokuchi, these claims patentably define over Inokuchi

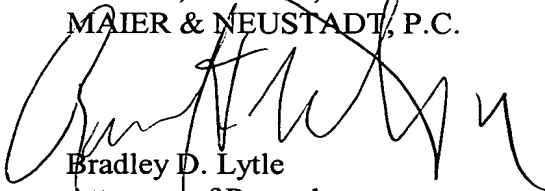
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for this reason as well. Once again, if the PTO is to continue to suggest that Inokuchi teaches an input gate of the PLL circuit that receives the pulse and wobble signal, In re Rijckaert, supra, requires the PTO to indicate where such a teaching or suggestion appears in Inokuchi.

In light of the foregoing, it is believed that no other issues remain outstanding in this application, such that it is also believed that this application is clearly in condition for formal allowance. Accordingly, an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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